



0000044222

ORIGINAL

53

BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION

Arizona Corporation Commission

FEB 8 10 38 AM '00

DOCKETED

FEB 08 1999

DOCUMENT CONTROL

DOCKETED BY

CARL J. KUNASEK

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

In the matter of

Charles Shull,

687 Pampas Place

Sierra Vista, Arizona 85636

John Ebdon

4814 Equestrian Avenue

Sierra Vista, Arizona 85650

Cochise Financial Corp.,

687 Pampas Place

Sierra Vista, Arizona 85636

Respondents.

In the matter of

Carol Ebdon Garcia

1101 E. Carmelita Drive

Sierra Vista, Arizona 85636

Daniel Joe Garcia

8823 N. 38th Drive

Phoenix, Arizona 85051,

Respondents.

DOCKET NO. S-03312A-99-0000

DOCKET NO. S-03375A-99-0000

(Consolidated)

DIVISION'S LIST OF
WITNESSES AND EXHIBITS

The Securities Division ("Division") of the Arizona Corporation Commission hereby

submits the following list of witnesses and exhibits.

...

...

...

...

I.

WITNESSES

1. The Division intends on calling the following individuals to testify at hearing:
 - a. Tom Wilkison – is an investor who lives in Tucson. His testimony will pertain to Respondents Shull and John Ebdon and his investment transactions.
 - b. Daniel Paz – is an investor in who lives in Tucson. His testimony will pertain to Respondents Shull and John Ebdon and his investment transactions.
 - c. Daniel Kattke – is an investor who will testify concerning Respondents Shull, John and Carol Ebdon and Daniel Garcia. He will also testify about his investment transactions with the Respondents.
 - d. Dave Albert – is an investor who lives in South Dakota. He will testify concerning conversations and a meeting he had with John and Carol Ebdon and Daniel Garcia.
 - e. Maureen Kelly - is an investor whose testimony will pertain to conversation, transactions and meetings with Respondents John and Carol Ebdon and Daniel Garcia.
 - f. W.A. Smith – is an investor who lives in Dallas, Texas. His testimony will pertain to Respondents' Shull and Ebdon and investment transactions.
 - g. Bill Lightner - is an investor who will testify concerning his transactions and conversations with Mr. Ebdon.
 - h. Adele Lusko – notarized several documents signed by Respondents John Ebdon and Daniel Garcia.
 - i. Kerri Townsend – is the daughter of Carol Ebdon. She will testify concerning her mother and Daniel Garcia.

- 1 j. Charles Shull - Mr. Shull is a Respondent in this matter.
- 2 k. John Ebdon - Mr. Ebdon is a Respondent in this matter.
- 3 l. Carol Ebdon - Ms. Ebdon is a Respondent in this matter.
- 4 m. Daniel Joe Garcia - Mr. Garcia is a Respondent in this matter.
- 5 n. Jerry Lowe - Mr. Lowe is an investigator with the Division. He will
- 6 establish foundation and offer testimony related to exhibits and investors if
- 7 necessary.

8 The Division reserves the right to call any investor or offeree of the securities offered

9 and/or sold by Respondents, whether or not the witness is called by the Respondents.

10 ...

11 ...

12 ...

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

II.

EXHIBITS

2. The Division intends to use the following exhibits at the hearing:

Exhibit No.	Description
	<i>Division Exhibits</i>
S-1	Certificate of Non-Registration - Securities
S-2	Certificate of Non-Registration - Charles Judson Shull
S-3	Certificate of Non-Registration - Cochise Financial Corporation
S-4	Certificate of Non-Registration - John E. Ebdon
S-5	Certificate of Non-Registration - Carol Ebdon, Carol Ebdon-Garcia, Carol Townsend
S-6	Certificate of Non-Registration - Daniel Joe Garcia
S-7	Notarized affidavit signed by Deborah Spinner
	<i>TOM WILKISON:</i>
S-8	Promissory Note for \$3,000 to Tom Wilkison dated August 8, 1995 with accompanying check and deposit receipt
S-9	Demand Note for \$30,000 to Ajo Investment Corp. dated November 4, 1996 with accompanying fax, deposit slip and deposit receipt
S-10	Promissory Note for \$250,000 to Tom Wilkison dated Sept. 2, 1997 and related cashier's check and deposit receipt
S-11	Promissory Note for \$200,000 to Tom Wilkison dated July 9, 1998 and check for \$2,000
S-12	Letter dated July 26, 1998 to Tom Wilkison from Carol Ebdon Garcia
S-13	Small article on payment of \$10,800 to change court date
S-14	Letter dated 8/99 by Daniel Paz - drafted by Shull
S-15	Letter dated 8/99 by Javier Avalos - drafted by Shull
	<i>DANIEL PAZ:</i>
S-16	Check #011632 for \$2,079 dated Oct. 25, 1996 with backside of check
S-17	Promissory Note for \$36,000 to Daniel Paz dated October 30, 1996 and related check
S-18	Promissory Note for \$200,000 to Daniel Paz dated December 30, 1996 and accompanying check
S-19	Promissory Note for \$170,000 to Daniel Paz dated January 10, 1996 and accompanying check
S-20	Promissory Note for \$200,000 to Daniel Paz dated January 1997 and accompanying check
S-21	Promissory Note for \$50,000 to Daniel Paz dated January 31, 1996 and accompanying check
S-22	Promissory Note for \$150,000 to Daniel Paz dated February 19, 1997 and accompanying check
S-23	Promissory Note for \$200,000 to Daniel Paz dated February 22, 1997 and accompanying check
S-24	Promissory Note for \$350,000 to Daniel Paz dated March 10, 1997 and accompanying check

1	S-25	Promissory Note for \$150,000 to Daniel Paz dated March 16, 1997 and accompanying deposit slip
2	S-26	Promissory Note for \$50,000 to Daniel Paz dated August 4, 1997 and accompanying deposit slip
3	S-27	Promissory Note for \$1,400,000 to Daniel Paz dated September 21, 1997
		DANIEL KATTKE:
4	S-28	Letter to Daniel Kattke from Daniel Garcia dated December 13, 1995 assuming \$520,000 debt of John Ebdon
5	S-29	Promissory Note for \$3,000,000 to Dan and Teresa Kattke dated December 15, 1996
6	S-30	Promissory Note for \$1,000,000 to Teresa Kattke dated July 28, 1998
	S-31	Promissory Note for \$2,000,000 to Dan Kattke dated July 28, 1998
7	S-32	Handwritten list by Kattke of names, addresses, phone numbers, and dollar amounts invested and dollar amounts of promissory notes
8		DAVID ALBERT:
9	S-33	Five promissory Notes for \$25,000, \$117,500, \$120,000, \$50,000 and \$30,000 to David W. Albert and/or Jay D. Albert dated February 1, 1996, June 4, 1996, December 19, 1996, April 1, 1997 and July 21, 1997
10	S-34	Six of David Albert's checks
11	S-35	Nine wire transfer requests dated April 8, 1996, April 29, 1996, May 16, 1996, June 10, 1996, June 24, 1996, July 16, 1996, July 22, 1996, March 17, 1997, May 17, 1997
12		MAUREEN KELLY:
13	S-36	Memo from Maureen Kelly to Peter Eckerstrom re: Garcia v. Garcia and Ebdon
14	S-37	List of loans made by Maureen and Frances Kelly to Carol Ebdon Townsend Garcia, total \$118,850
15	S-38	Promissory Note for \$7,000 to Frances S. Kelly dated August 13, 1995, with accompanying checks
16	S-39	Letter to Maureen Kelly from Daniel J. Garcia dated December 13, 1995
	S-40	Letter to Maureen Kelly from Daniel J. Garcia dated March 1, 1996
	S-41	Promissory Note for \$1,000,000 to Maureen Kelly dated June 5, 1996
17		W.A. SMITH:
18	S-42	Listing of amounts invested by W.A. Smith, Douglas L. Shay, Michael S. Stroud, Lawrence J. Mills, James W. Poe, and Charles S. Johnson, amount of notes and related information about the investments
19	S-43	Promissory Note for \$75,000 to W.A. Smith dated August 11, 1997, with accompanying wire transfer
20	S-44	Promissory Note for \$112,500 to W.A. Smith dated August 12, 1997, with accompanying wire transfer
21	S-45	Promissory Note for \$187,500 to W.A. Smith dated August 13, 1997, with accompanying wire transfer
22	S-46	Promissory Note for \$150,000 to W.A. Smith dated February 6, 1998, with accompanying MoneyGram
23	S-47	MoneyGram for \$5,000 to W.A. Smith dated February 13, 1998
24	S-48	Promissory Note for \$120,000 to W.A. Smith dated March 20, 1997, with accompanying MoneyGram
25	S-49	Promissory Note for \$80,000 to W.A. Smith dated May 4, 1998, with accompanying MoneyGram
26	S-50	Promissory Note for \$125,000 to W.A. Smith dated May 14, 1998, with accompanying MoneyGram

1	S-51	Check from Carol Ebdon Garcia payable to W.A. Smith dated May 14, 1998
2	S-52	Promissory Note for \$500,000 to W.A. Smith dated May 15, 1998, with accompanying MoneyGrams
3	S-53	Check from Carol Ebdon Garcia payable to W.A. Smith dated May 15, 1998
4	S-54	Check from Carol Ebdon Garcia payable to W.A. Smith dated June 5, 1998
5	S-55	Promissory Note for \$250,000 to W.A. Smith dated June 10, 1998, with accompanying MoneyGram
6	S-56	Check from Carol Ebdon Garcia payable to W.A. Smith dated June 10, 1998
7	S-57	Promissory Note for \$250,000 to W.A. Smith dated July 6, 1998, with accompanying MoneyGram
8	S-58	Check from Carol Ebdon Garcia payable to W.A. Smith dated July 6, 1998
9	S-59	Promissory Note for \$200,000 to W.A. Smith dated November 2, 1998, with accompanying MoneyGrams
10	S-60	Promissory Note for \$500,000 to W.A. Smith dated January 4, 1999, with accompanying MoneyGram and handwritten notation
11	S-61	Promissory Note for \$500,000 to W.A. Smith dated July 10, 1998, with accompanying MoneyGram
12	S-62	Promissory Note for \$300,000 to W.A. Smith dated January 15, 1999, with two accompanying MoneyGrams
13	S-63	Promissory Note for \$250,000 to W.A. Smith dated February 15, 1999, with two accompanying MoneyGrams
14	S-64	Promissory Note for \$250,000 to W.A. Smith dated February 19, 1999, with two accompanying MoneyGrams
15	S-65	Promissory Note for \$50,000 to W.A. Smith dated April 12, 1999, with accompanying MoneyGram
16	S-66	Promissory Note for \$100,000 to W.A. Smith dated April 21, 1999, with accompanying MoneyGram
17	S-67	Promissory Note for \$100,000 to W.A. Smith dated May 11, 1999, with accompanying MoneyGram
18	S-68	Promissory Note for \$100,000 to W.A. Smith dated May 19, 1999, with accompanying MoneyGram
19	S-69	Promissory Note for \$200,000 to W.A. Smith dated May 25, 1999, with accompanying wire transfer
20	S-70	Promissory Note for \$200,000 to W.A. Smith dated May 27, 1999, and handwritten notation
21	S-71	Promissory Note for \$200,000 to W.A. Smith dated June 14, 1999, and handwritten notation
22		BILL LIGHTNER:
23	S-72	Questionnaire signed by William and Delores Lightner January 19, 2000
24	S-73	Promissory Note for \$15,000 to Bill and Delores Lightner dated September 14, 1995
25	S-74	Promissory Note for \$8,000 to Bill and Delores Lightner dated October 5, 1995
26	S-75-	Promissory Note for \$4,000 to Bill and Delores Lightner dated December 5, 1995, with accompanying check
	S-76	Letter to Mr. and Mrs. Lightner from Daniel J. Garcia dated December 13, 1995, with accompanying acknowledgment
	S-77	Handwritten letter to Bill & Dee from Johnny Ebdon dated August 16, 1996
	S-78	Handwritten letter to Bill & Dee from Johnny Ebdon
	S-79	Check to John Ebdon from William and Delores Lightner for \$5,000 dated September 1, 1995


S-80	Promissory Note for \$6,400 to Bill and Delores Lightner dated December 1, 1995
S-81	Letter to Mr. and Mrs. Lightner from Daniel J. Garcia dated March 1, 1996
	CHARLES SHULL:
S-82	Shull's Response to Notice of Opportunity For Hearing Regarding Proposed Order For Relief
S-83	Checks Cashed and Money Received By John Ebdon Or Carol Ebdon Garcia
	JOHN E. EBDON:
S-84	Examination Under Oath of John E. Ebdon
S-85	Letter to John Ebdon from Daniel Garcia dated June 14, 1994
S-86	Letter to John Ebdon from Daniel Garcia dated December 13, 1995 with accompanying acknowledgement
S-87	Front side of envelope containing documents seized during execution of search warrant at John Ebdon's residence with two pages of handwritten notation listing names and dollar amounts
S-88	Check #8324 written to John Ebdon on account of Newells with backside
S-89	Check #2939 written to John Ebdon on account of Francis Dull with deposit receipt and backside of check; Official Check #737847802 dated January 5, 1998, with backside
	CAROL EBDON:
S-90	Fifteen pages of handwritten notes listing names and dollar amounts
S-91	Front side of envelope containing documents seized during execution of search warrant at John Ebdon's residence with three pages of handwritten notes listing names, amounts of notes and amounts owed
	DANIEL JOE GARCIA:
S-92	Letter to Frank Dull from Daniel J. Garcia dated March 1, 1996
S-93	Transcript of conversation between Investigator Jerry Lowe and Daniel J. Garcia on Friday November 12, 1999 starting at approximately 11:50 a.m.
	Other
S-94	Typewritten list labeled "Note/John Ebdon" with Payee, Amount Contributed and Amount Due columns
S-95	Letter to Det. Adams from Attorney Eckerstrom dated September 1, 1999, with attached list of people who invested in Mr. Garcia's lawsuit
S-96	List of Amounts Invested compiled by Securities Division

1 The Division reserves the right to use any exhibit identified before or at the hearing or for
2 purposes of rebuttal.

3 This Division reserves the right to amend or supplement this list of witnesses and exhibits
4 at any time prior to or during the hearing.

5
6 Respectfully submitted this 24 day of February, 2000.

7
8 **Janet Napolitano**
Attorney General for the State of Arizona

9
10 
11 **Anthony B. Bingham**
Special Assistant Attorney General
12 **Robert A. Zumoff**
Assistant Attorney General
13 Attorneys for the Securities Division of the
14 Arizona Corporation Commission
15
16
17
18
19
20
21
22
23
24
25
26

1 ORIGINAL AND TEN COPIES
2 of the foregoing hand-delivered
3 this 8th day of February, 2000 to:

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, AZ 85007

8 A COPY of the foregoing hand-delivered
9 this 8th day of February, 2000 to:

10 Jane Rodda
11 Hearing Officer
12 400 W. Congress Street
13 Tucson, Arizona 85701

14 Charles Shull,
15 P.O. Box 530400
16 Henderson, NV 89053

17 John Ebdon
18 4814 Equestrian Avenue
19 Sierra Vista, Arizona 85650

20 Cochise Financial Corp.,
21 P.O. Box 530400
22 Henderson, NV 89053

23 Carol Ebdon Garcia
24 1101 E. Carmelita Drive
25 Sierra Vista, Arizona 85636

26 Daniel Joe Garcia
8823 N. 38th Drive
Phoenix, Arizona 85051